

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GISELLE FRITZ f/k/a GISELLE CARTER, EVAN DAVIS,
JASON SPIEGEL-GROTE, and PATRICIA CASERTANO,
On behalf of themselves and all others similarly situated,

Civil Action No.: 11-CV-3300
(FB) (VVP)

Plaintiff,

DECLARATION

-against-

RESURGENT CAPITAL SERVICES, LP, LVNV FUNDING,
LLC, ALEGIS GROUP, LLC, MEL S. HARRIS AND
ASSOCIATES, LLC, DAVID WALDMAN and RESURGENT
CAPITAL SERVICES, LLC,

Defendants.

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BRETT A. SCHER, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm of Kaufman Dolowich Voluck & Gonzo LLP, attorneys for defendants, Resurgent Capital Services, LP, LVNV Funding, LLC, Alegis Group, LLC, Mel S. Harris and Associates, LLC, David Waldman and Resurgent Capital Services, LLC (collectively "Defendants") in this lawsuit.

2. I submit this Declaration in support of Defendants' motion pursuant to Fed. R. Civ. P. 12(b)(6).

3. Annexed hereto as Exhibit A is a copy of the Second Amended Complaint filed in this action.

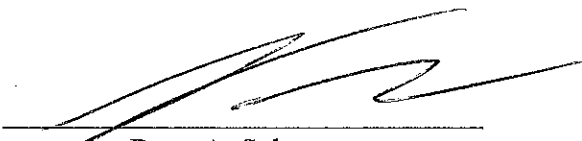
4. Annexed hereto as Exhibit B is a copy of the March 21, 2011 Order granting the motion to amend from the underlying lawsuit filed against Plaintiff Giselle Fritz a/k/a Giselle Carter, *Resurgent Capital Services, LLC v. Giselle Carter*, Index No. 092790-10/KI.

5. Annexed hereto as Exhibit C is a copy of the November 11, 2010 Answer from the underlying lawsuit filed against Plaintiff Jason Spiegel-Grote, *Resurgent Capital Services, LLC v. Jason Spiegel-Grote*, Index No. CV-092782-10/KI.

6. Annexed hereto as Exhibit D is a copy of the April 13, 2012 Answer from the underlying lawsuit filed against Plaintiff Jason Spiegel-Grote, *Resurgent Capital Services, LLC v. Jason Spiegel-Grote*, Index No. CV-092782-10/KI.

7. Annexed hereto as Exhibit E is a copy of the April 25, 2012 First Amended Answer from the underlying lawsuit filed against Plaintiff Jason Spiegel-Grote, *Resurgent Capital Services, LLC v. Jason Spiegel-Grote*, Index No. CV-092782-10/KI.

Dated: Woodbury, New York
October 17, 2012


Brett A. Scher

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